

JOSEPH T. MCNALLY
Acting United States Attorney
LINDSEY GREER DOTSON
Assistant United States Attorney
Chief, Criminal Division
JONATHAN GALATZAN
Assistant United States Attorney
Chief, Asset Forfeiture & Recovery Section
RYAN WATERS (Cal. Bar No. 268015)
Assistant United States Attorney
Asset Forfeiture & Recovery Section
1100 United States Courthouse
312 North Spring Street
Los Angeles, California 90012
Telephone: (213) 894-3111
Facsimile: (213) 894-6269
E-mail: Ryan.Waters@usdoj.gov

Attorneys for Plaintiff
UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUAN CARLOS THOLA-DURAN, ET AL.,

Defendants.

No. 2:24-cr-00471-MWF

**APPLICATION FOR ORDER
ALLOWING THE UNITED STATES TO
MAINTAIN CUSTODY OF SEIZED
PROPERTY PURSUANT TO 18 U.S.C. §
983(a)(3)(B)(ii)(II) AND 21 U.S.C.
§ 853(e)(1)**

[PROPOSED ORDER LODGED
CONTEMPORANEOUSLY HEREWITH]

The United States of America, by its attorneys, Joseph T. McNally, Acting United States Attorney, and Ryan Waters, Assistant United States Attorney, hereby moves for an order allowing the government to maintain custody of property already in the government's possession for possible forfeiture in this criminal case. In support of its application, the United States submits as follows:

1 1. On August 28, 2024, law enforcement officers seized the
2 following assets (collectively, the "seized assets") during the
3 execution of federal search warrants related to the criminal case:

- 4 a. One 2019 Hyundai Tucson, VIN KM8J23A46KU990788 seized
5 on August 28, 2024 at Enterprise LA Rentals located at
6 16129 Sherman Way, Van Nuys, California;
- 7 b. One 2019 Chevrolet Traverse, VIN 1GNERGKW1KJ304058
8 seized on August 28, 2024 at Enterprise LA Rentals
9 located at 16129 Sherman Way, Van Nuys, California;
- 10 c. One 2017 Audi Q5, VIN WA1M2AFP3HA043639 seized on
11 August 28, 2024 at Enterprise LA Rentals located at
12 16129 Sherman Way, Van Nuys, California;
- 13 d. One 2019 Honda Civic, VIN 19XFC2F60KE211704 seized on
14 August 28, 2024 at Enterprise LA Rentals located at
15 16129 Sherman Way, Van Nuys, California;
- 16 e. One 2017 Nissan Rogue, VIN KNMAT2MT5HP502338 seized on
17 August 28, 2024 at Enterprise LA Rentals located at
18 16129 Sherman Way, Van Nuys, California;
- 19 f. One 2015 Infiniti QX80, VIN JN8AZ2NC9F9372079 seized
20 on August 28, 2024 at Enterprise LA Rentals located at
21 16129 Sherman Way, Van Nuys, California;
- 22 g. One 2016 Nissan Rogue, VIN JN8AT2MT7GW000813 seized on
23 August 28, 2024 at Enterprise LA Rentals located at
24 16129 Sherman Way, Van Nuys, California;
- 25 h. One 2017 Chevrolet Traverse, VIN 1GNKRGKD6HJ295593
26 seized on August 28, 2024 at Enterprise LA Rentals
27 located at 16129 Sherman Way, Van Nuys, California;
- 28

- i. One 2017 Ford Explorer, VIN 1FM5K7DH5HGC21729 seized on August 28, 2024 at Enterprise LA Rentals located at 16129 Sherman Way, Van Nuys, California;
- j. One 2014 Toyota Camry, VIN 4T1BF1FK2EU358573 seized on August 28, 2024 at Enterprise LA Rentals located at 16129 Sherman Way, Van Nuys, California;
- k. One 2019 Mercedes-Benz AMG, VIN 4JGED6EB5KA153103 seized on August 28, 2024 at Car Deals and More located at 15205 Roscoe Blvd., Van Nuys, California;
- l. One 2017 Jaguar F-Pace, VIN SADCJ2BV5HA062731 seized on August 28, 2024 at Car Deals and More located at 15205 Roscoe Blvd., Van Nuys, California;
- m. One 2018 Ford Transit Connect, VIN NM0GS9E75J1361316 seized on August 28, 2024 at Car Deals and More located at 15205 Roscoe Blvd., Van Nuys, California;
- n. One 2015 Dodge Ram 1500 ProMaster, VIN 3C6TRVAG0FE502705 seized on August 28, 2024 at Car Deals and More located at 15205 Roscoe Blvd., Van Nuys, California;
- o. One 2012 Porsche Cayenne, VIN WP1AA2A28CLA04361 seized on August 28, 2024 at Car Deals and More located at 15205 Roscoe Blvd., Van Nuys, California;
- p. One 2017 Chevrolet Silverado 1500, VIN 3GCPCREC1HG483020 seized on August 28, 2024 at Car Deals and More located at 15205 Roscoe Blvd., Van Nuys, California;

- 1 q. One 2013 Ford F-150, VIN 1FTFX1CF2DKF05687 seized on
2 August 28, 2024 at Car Deals and More located at 15205
3 Roscoe Blvd., Van Nuys, California;
- 4 r. One 2017 Audi Q7, VIN WA1VAAF74HD004886 seized on
5 August 28, 2024 at Car Deals and More located at 15205
6 Roscoe Blvd., Van Nuys, California;
- 7 s. One 2014 Land Range Rover Evoque, VIN
8 SALVT2BG2EH939025 seized on August 28, 2024 at Car
9 Deals and More located at 15205 Roscoe Blvd., Van
10 Nuys, California;
- 11 t. One 2015 Lincoln MKZ, VIN 3LN6L2LU6FR629374 seized on
12 August 28, 2024 at Car Deals and More located at 15205
13 Roscoe Blvd., Van Nuys, California;
- 14 u. One 2016 Chevrolet Tahoe, VIN 1GNSKBKC0GR417735 seized
15 on August 28, 2024 at Car Deals and More located at
16 15205 Roscoe Blvd., Van Nuys, California;
- 17 v. One 2015 Ford Transit Van, VIN 1FTNR2CM1FKA03251
18 seized on August 28, 2024 at Car Deals and More
19 located at 15205 Roscoe Blvd., Van Nuys, California;
- 20 w. One 2015 Ford Explorer, VIN 1FM5K7D80FGC65490 seized
21 on August 28, 2024 at Car Deals and More located at
22 15205 Roscoe Blvd., Van Nuys, California;
- 23 x. One 2016 Ford Explorer XLT, VIN 1FM5K7D88GGA37982
24 seized on August 28, 2024 at Car Deals and More
25 located at 15205 Roscoe Blvd., Van Nuys, California;
- 26 y. One 2017 Chrysler Pacifica Wagon, VIN 2C4RC1CGXHR840415
27 seized on August 28, 2024 at Car Deals and More
28 located at 15205 Roscoe Blvd., Van Nuys, California;

- 1 z. One 2018 Chrysler Pacifica Wagon, VIN 2C4RC1CG0JR104993
2 seized on August 28, 2024 at Car Deals and More
3 located at 15205 Roscoe Blvd., Van Nuys, California;
4 aa. One 2021 Chrysler Voyager Wagon, VIN 2C4RC1DG9MR549848
5 seized on August 28, 2024 at Car Deals and More
6 located at 15205 Roscoe Blvd., Van Nuys, California;
7 bb. One 2014 Ford F-350 Super Duty, VIN 1FDRF3ET1EEB78810
8 seized on August 28, 2024 at Car Deals and More
9 located at 15205 Roscoe Blvd., Van Nuys, California;
10 cc. One 14K white gold ring with princess cut diamond and
11 bezel set diamond accents seized on August 28, 2024, in
12 Canyon Country, CA;
13 dd. Two Steinhausan stainless steel watches with black bands
14 seized on August 28, 2024, in Canyon Country, CA;
15 ee. Sixteen Steinhausan stainless steel watches with brown
16 bands seized on August 28, 2024, in Canyon Country, CA;
17 ff. One Bulgari 18K yellow gold chain necklace with amethyst
18 and diamond pendant seized on August 28, 2024, in Canyon
19 Country, CA;
20 gg. One Bulgari 18K rose gold ring with identifying number
21 MHTESE seized on August 28, 2024, in Canyon Country, CA;
22 hh. One Cartier 18K white gold nail motif bracelet with bead
23 set diamonds with identifying number CRD698665 seized on
24 August 28, 2024, in Canyon Country, CA;
25 ii. One Cartier 18K white gold bracelet with repeating screw
26 head impressions with identifying number GAF258 seized
27 on August 28, 2024, in Canyon Country, CA;
28

- 1 jj. One 18K white gold chain necklace with 14K white gold
2 diamond heart pendant seized on August 28, 2024 in
3 Canyon Country, CA;
- 4 kk. One 14K white gold Cubic Zirconia (damaged) pendant with
5 bead and channel set diamonds seized on August 28, 2024,
6 in Canyon Country, CA;
- 7 ll. One Single 14K white gold princess cut diamond earring
8 seized on August 28, 2024, in Canyon Country, CA;
- 9 mm. One 18K yellow gold ring with baguette and rounds
10 diamonds with identifying number 139139 seized on August
11 28, 2024, in Canyon Country, CA;
- 12 nn. One 14K yellow gold bead set diamond ring seized on
13 August 28, 2024, in Canyon Country, CA;
- 14 oo. One Cartier 18K rose gold ring with screw head
15 impressions and three (3) diamonds with identifying
16 number QG1920 seized on August 28, 2024, in Canyon
17 Country, CA;
- 18 pp. One 18K white gold ring with screw head impressions
19 seized on August 28, 2024, in Canyon Country, CA;
- 20 qq. One 18K rose gold cross shaped pendant with black and
21 clear diamonds with TDW Stamp DO19 CD096 seized on
22 August 28, 2024, in Canyon Country, CA;
- 23 rr. One Cartier 18K yellow gold bracelet with ten (10)
24 diamonds and metal screw driver with identifying number
25 QP6530 seized on August 28, 2024, in Canyon Country, CA;
- 26 ss. One 14K white gold diamond ring seized on August 28,
27 2024, in Canyon Country, CA;
- 28

1 tt. One Gucci stainless steel watch with feline face seized
2 on August 28, 2024, in Canyon Country, CA; and
3 uu. \$17,800 in U.S. Currency seized on August 28, 2024, in
4 Canyon Country, CA

5 2. The seizing agency commenced administrative forfeiture
6 proceedings against the seized assets by sending notice of the
7 Government's intent to forfeit to potential claimants pursuant to 18
8 U.S.C. § 983(a)(1) and caused that notice to be published on an
9 official government internet site, www.forfeiture.gov.

10 3. On November 25, 2024, and November 29, 2024, defendants
11 Juan Carlos Thola-Duran and John Carlo Thola (the "potential
12 claimants") respectively submitted claims contesting the
13 administrative forfeiture of the seized assets.

14 4. Under 18 U.S.C. § 983(a)(3), the United States had 90 days
15 from the filing of the claim in the administrative forfeiture
16 proceeding to: (1) return the seized assets, (2) commence a civil
17 judicial forfeiture action against the assets, (3) commence a
18 criminal forfeiture action containing an allegation that the seized
19 assets are subject to forfeiture, or (4) request an extension of time
20 from the court.

21 5. On August 1, 2024, a grand jury returned a true bill
22 indicting JUAN CARLOS THOLA-DURAN, ET AL. for violations of 18 U.S.C.
23 § 1349 (Conspiracy to Commit Wire Fraud); 18 U.S.C.
24 § 1343 (Wire Fraud); 18 U.S.C. § 371 (Conspiracy); 18 U.S.C.
25 § 1956(h) (Conspiracy to Commit Money Laundering); 18 U.S.C.
26 § 1956(a)(1)(B)(i) (Money Laundering); 31 U.S.C. §§ 5313,
27 5324(a)(3), (d)(2) (Structuring Transactions to Avoid a Reporting
28

1 Requirement) and giving notice, together with the Government's Second
2 Bill of Particulars Regarding Forfeiture Allegations filed on
3 February 5, 2025, that the government would seek forfeiture of the
4 seized assets. (Case No. 2:24-CR-00471-MWF, ECF Nos. 1 and 148.)

5 6. When the government commences a criminal forfeiture action
6 containing an allegation that certain property is subject to
7 forfeiture, and the government has already seized that property by
8 administrative or civil forfeiture process, the government must "take
9 the steps necessary to preserve its right to maintain custody of the
10 property as provided in the applicable criminal forfeiture statute."
11 18 U.S.C. § 983(a)(3)(B)(ii)(II).

12 7. The applicable criminal forfeiture statute is 21 U.S.C.
13 § 853. Besides authorizing the issuance of criminal restraining
14 orders and seizure warrants to preserve property for forfeiture, see
15 21 U.S.C. § 853(e) & (f), that statute also empowers the Court to
16 "take any other action to preserve the availability of the property .
17 . .for forfeiture" 21 U.S.C. § 853(e)(1).

18 8. Here, the government represents that it has taken the
19 seized property into custody for the purpose of forfeiture and that
20 it may preserve the seized property for forfeiture until the criminal
21 case, including criminal forfeiture proceedings, is resolved.

22 9. Where the government makes these express representations
23 regarding property already in its custody, the only type of court
24 order needed to "preserve [the government's] right to maintain
25 custody of the property," for the purposes of Section
26 983(a)(3)(B)(ii)(II), is an order providing that the government may
27 continue to maintain custody of the seized assets until the criminal
28 case is concluded. *United States v. Scarmazzo*, 2007 WL 587183, at *3

(E.D. Cal. 2007) (holding that, where the government originally seized property for administrative forfeiture, in order to preserve its right to maintain custody of that property for criminal forfeiture consistent with 18 U.S.C. § 983(a)(3)(B)(ii)(II), the government need obtain only an order under 21 U.S.C. § 853(e) directing the government to continue to maintain custody of the property pending resolution of the criminal case); *United States v. Standridge*, 2007 WL 2572207, at *2 (M.D. Fla. 2007) (same); *In Re One 2000 White Mercedes*, 220 F. Supp. 2d 1322, 1325-26 (M.D. Fla. 2001) (same).

10. WHEREFORE, the United States respectfully requests that this Court issue an order under 21 U.S.C. § 853(e)(1), directing that the United States may maintain custody of the above-referenced seized assets through the conclusion of the pending criminal case and expressly concluding that this order satisfies the custody-preservation requirement of 18 U.S.C. § 983(a)(3)(B)(ii)(II).

Dated: February 20, 2025

JOSEPH T. MCNALLY
Acting United States Attorney
LINDSEY GREER DOTSON
Assistant United States Attorney
Chief, Criminal Division
JONATHAN GALATZAN
Assistant United States Attorney
Chief, Asset Forfeiture & Recovery
Section

/s/

RYAN WATERS
Assistant United States Attorney

Attorneys for Plaintiff
UNITED STATES OF AMERICA